



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,866	01/29/2001	John A. Landry	H052617.1030US0	7783

1200 7590 11/07/2003

AKIN, GUMP, STRAUSS, HAUER & FELD
711 LOUISIANA STREET
SUITE 1900 SOUTH
HOUSTON, TX 77002

EXAMINER

JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 11/07/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,866

Applicant(s)

LANDRY ET AL.

Examiner

Thomas J Joseph

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities: line 2 of claim 18 citing, "... from a network serer coupled to the computing system" should read, "... from a network server coupled to the computing system". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 6, 11 – 13, 16, 19, 21 – 23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kampe et al. (US 5,953,010).

Claim 1:

Kampe teaches an operating system (col. 2, lines 53 – 60). Kampe teaches a main processor for running the operating system (col. 2, lines 40 – 45). The motherboard contains the main processor of the computer. Kampe teaches a user feedback mechanism for monitoring a plurality of operating conditions of the computing system and to alert the computing system to the plurality of operating conditions independently of the operating system (col. 3, lines 5 – 22). The programs for monitoring are distinct from the operating system program.

Claim 2:

Kampe teaches a display panel for displaying a plurality of operating condition messages to alert the user to the plurality of operating condition independently of the operating system (col. 4, lines 9 – 19).

Claim 3:

Kampe teaches a controller coupled to the display panel to monitor a plurality of operating condition signals corresponding to the plurality of operating conditions and to communicate the plurality of operating conditions to the display panel independently of the operating system (col. 4, lines 9 – 19).

Claim 4:

Kampe teaches a display panel interface driver for passing the plurality of operating conditions to the controller (fig. 10; col. 6, lines 10 – 25).

Claim 5:

Kampe teaches a display panel interface coupled to the display panel for an application to communicate with the display panel (fig. 9 – 10).

Claim 6:

Kampe teaches the display panel displaying a plurality of instructions to the user for the user to cure the plurality of operating conditions (fig. 8).

Claim 7:

Kampe teaches a user feedback mechanism monitoring an operating condition of the plurality of the operating conditions after system initiation of processing data from the operating system into a more meaningful form (col. 4, lines 9 – 19). Any system that places progress data on an output screens demonstrates operating conditions after

system initiation of processing data from the operating system into a more meaningful form.

Claim 11:

Kampe teaches a plurality of fault tolerant client software components for monitoring the plurality of operating conditions after system initialization of computing system (col. 4, lines 9 – 19).

Claim 12:

Kampe teaches monitoring an operating condition of the computing system (col. 4, lines 9 – 19). Kampe teaches displaying an operating condition message corresponding to the operating condition on the display panel of a user feedback mechanism of the computing system to alert a user to the operating condition independently of an operating system of the computing system (col. 4, lines 9 – 19).

Claim 13:

Kampe teaches clearing the operating condition message from the display panel when the operating condition is cured (fig. 8 – 10).

Claim 16:

Kampe teaches monitoring a state of a peripheral device of the computing system (col. 3, lines 5 – 15).

Claim 19:

Kampe teaches a monitoring step being performed by an application after system initialization of the computing system (col. 4, lines 9 – 19).

Claim 21:

Kampe teaches a computing system for operating condition user feedback (col. 2, lines 53 – 60). Kampe teaches an operating system (col. 2, lines 53 – 60). Kampe teaches a means for monitoring the plurality of operating conditions of the computing system (col. 2, lines 53 – 60). Kampe teaches a means for alerting a user of the computing system to the plurality of operating conditions independently of the operating system (col. 3, lines 5 – 22).

Claim 22:

Kampe teaches a means for displaying a plurality of operating conditions messages corresponding to the plurality of operating conditions (fig. 8 – 9).

Claim 23:

Kampe teaches a means for clearing the plurality of displayed operating condition messages

Claim 25:

Kampe teaches the plurality of operating conditions that are readable by an application (fig. 1).

Claim 26:

Kampe teaches a means for monitoring comprising an application after system initialization of the computing of the computing system (col. 3, lines 5 – 22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2174

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 – 10, 14, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe et al. (US 5,953,010) as applied to claims 1, 12, and 21 above, and further in view of Ryu (US 5,900,026).

Claim 8:

Kampe fails to teach BIOS. Ryu (US 5,900,026) teaches a system BIOS for monitoring the plurality of operating conditions during system initialization of the computing system by bypassing the operating system (col. 5, lines 35 – 55). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine BIOS taught by Ryu with the feedback system taught by Kampe. Doing so enables the user to observe and track initial settings during system start-up.

Claim 9:

Kampe teaches the plurality of operating conditions comprising a plurality of primary device states for a plurality of primary devices of the computing system (fig. 1, #20 – 32).

Claim 10:

Kampe fails to teach a safety button configured to signal a power supply to power off the computing system when the computing system is not powered off by the operating system. Ryu teaches a safety button configured to signal a power supply to power off the computing system when the computing system is not powered off by the operating system (col .5, lines 50 – 55). It would have been obvious to one with

Art Unit: 2174

ordinary skill in the art at the time of the invention to combine a safety button configured to signal a power supply to power off the computing system when the computing system is not powered off by the operating system taught by Ryu with the feedback system taught by Kampe. Doing so enables the system to shut down incase of emergency related to any particular part of the computer system.

Claim 14:

Kampe fails to teach signaling a power supply of the computing system for powering off the computer system independently of the operating system. Ryu (US 5,900,026) teaches signaling a power supply of the computing system for powering off the computer system independently of the operating system (col. 5, lines 35 – 55). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine signaling a power supply of the computing system for powering off the computer system independently of the operating system taught by Ryu with the feedback system taught by Kampe. Doing so enables the system to shut down incase of emergency related to any particular part of the computer system.

Claim 20:

Kampe fails to teach a monitoring step being performed by system BIOS during system initialization of the computing system when the plurality of operating conditions have been cured. Ryu teaches a monitoring step being performed by system BIOS during system initialization of the computing system (col. 5, lines 35 – 55) when the plurality of operating conditions have been cured (fig. 8 – 10). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine a

Art Unit: 2174

monitoring step being performed by system BIOS during system initialization of the computing system when the plurality of operating conditions have been cured taught by Ryu with the feedback system taught by Kampe. Doing so enables the system to correct potential problems without total shutdown.

Claim 24:

Kampe fails to teach a power supply and a means for signaling the power supply to power off the computing system independently of the operating system. Ryu teaches a power supply (col. 5, lines 45 – 55). Ryu teaches a means for signaling the power supply to power off the computing system independently of the operating system (col. 5, lines 45 – 55). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the power supply and a means for signaling the power supply to power off the computing system independently of the operating system taught by Ryu with the feedback system taught by Kampe. Doing so enables the system to shut down incase of emergency related to any particular part of the computer system.

Claim 27:

Kampe fails to teach a means for monitoring comprising a system BIOS during system initialization of the computer system. Ryu teaches a means for monitoring comprising a system BIOS during system initialization of the computer system (col. 5, lines 35 – 55). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the power supply and a means for signaling the power supply in order to power off the computing system independently of the operating system taught by Ryu with the feedback system taught by Kampe. Doing so enables

the system to shut down incase of emergency related to any particular part of the computer system.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe et al. (US 5,953,010) as applied to claim 12 above, and further in view of Hsu (US 6,374,079).

Claim 15:

Kampe fails to teach monitoring a state of a peripheral device of the computing system to the Internet. Hsu (US 6,374,079) teaches monitoring a state of a peripheral device of the computing system to the Internet (col. 6, lines 60 – 67; col. 7, lines 1 – 8). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine monitoring a state of a peripheral device of the computing system to the Internet taught by Hsu with the feedback system taught by Kampe. Doing so enables user to monitor system communication with external links via the Internet.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe et al. (US 5,953,010) as applied to claim 12 above, and further in view of Reid et al. (US 6,298,308).

Claim 17:

Kampe fails to teach monitoring an email notification message to the computing system. Reid et al. (US 6,298,308) teaches monitoring an email notification message to the computing system (col. 12, lines 48 – 64). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine monitoring an email notification message to the computing system taught by Reid with the feedback system

taught by Kampe. Doing so enables the computer system to communicate by sending and receiving messages over the Internet to external users and peripherals.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe et al. (US 5,953,010) as applied to claim 12 above, and further in view of Lobb et al. (5,810,680).

Claim 18:

Kampe fails to teach monitoring atomic time from a network server coupled to the computing system. Lobb et al. (5,810,680) teaches monitoring atomic time from a network server coupled to the computing system (col. 5, lines 28 – 45). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine monitoring atomic time from a network server coupled to the computing system taught by Lobb with the feedback system taught by Kampe. Doing so enables the computer system to synchronize its internal clock with ultra-accurate atomic time.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached Mondays through Fridays from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Application/Control Number: 09/771,866
Art Unit: 2174

Page 11

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

October 28, 2003

tjj

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.A handwritten signature in black ink, featuring a large, sweeping 'S' shape that curves upwards and to the right.

STEVEN SAX
PRIMARY EXAMINER